

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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NATIONAL AUDUBON SOCIETY,

*Plaintiff,*

v.

DAVID BERNHARDT, in his official,  
capacity as Secretary of the Interior,  
AURELIA SKIPWITH, in her official  
capacity as Director of the U.S. Fish and  
Wildlife Service, UNITED STATES  
DEPARTMENT OF THE INTERIOR,  
and, U.S. FISH AND WILDLIFE SERVICE

*Defendants,*

BOROUGH OF AVALON, BOROUGH OF  
STONE HARBOR, and CITY OF NORTH  
WILDWOOD,

*Intervenors-Defendants.*

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**NOTICE OF MOTION**

Case No. 20-cv-5065 (LJL)

PLEASE TAKE NOTICE that upon the attached Declaration of Clark Packard, dated November 5, 2020, and the accompanying memorandum of law in support, the R Street Institute, a non-party, respectfully moves for leave to file an *amicus curiae* brief in connection with the above-captioned action. The R Street Institute proposes to file its *amicus curiae* brief within seven days following the filing by Plaintiff the National Audubon Society of its principal brief in this matter (in support of its partial motion for summary judgment and in opposition to Defendants’ and Intervenors-Defendants’ motions to dismiss), or within seven days after the Court grants this motion, whichever is later. Plaintiff the National Audubon Society has advised counsel for the R Street Institute that it consents to the *amicus* motion. Defendants and Intervenors-Defendants have

advised counsel for the R Street Institute that they take no position as to the *amicus* motion, although counsel for Intervenor-Defendants has asked for an opportunity to reply to the *amicus* motion before the Court adjudicates it.

Dated: New York, New York  
November 5, 2020

/s/ F. Franklin Amanat  
F. Franklin Amanat, Esq.  
Greg G. Gutzler, Esq.  
Daniel R. Flynn, Esq.\*  
DiCello Levitt Gutzler LLC  
444 Madison Avenue, Fourth Floor  
New York, NY 10022  
(646) 933-1000  
[famanat@dicellolevitt.com](mailto:famanat@dicellolevitt.com)

*Counsel for R Street Institute*

\*Not admitted in SDNY. *Pro hac vice* motion forthcoming.

TO: Samuel Hilliard Dolinger  
U.S. Attorney's Office, SDNY  
86 Chambers Street, Third Floor  
New York, NY 10007  
(212) 637-2677  
[samuel.dolinger@usdoj.gov](mailto:samuel.dolinger@usdoj.gov)  
Counsel for Defendants

Ariel Elaine Ronneburger  
Cullen and Dykman, LLP (Nassau)  
100 Quentin Roosevelt Blvd.  
Garden City, NY 11530  
(516) 296-9155  
[aronneburger@cullenanddykman.com](mailto:aronneburger@cullenanddykman.com)  
Counsel for Intervenor-Defendants